

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

NICODEMUS MILLER,

Defendant.

~~PROPOSED~~ ORDER

21 Cr. 145 (PGG)

WHEREAS, the Court has referred to the Magistrate Judge on duty the change-of-plea proceeding (the “Proceeding”) for defendant Nicodemus Miller, to be scheduled for September 13, 2021;

WHEREAS, the Court has authorized the use of videoconferencing (or teleconferencing, if video is not reasonably available) for felony pleas under Rule 11 of the Federal Rules of Criminal Procedure, *see In re: Coronavirus/Covid-19 Pandemic*, 20 Misc. 176 (June 15, 2021);

WHEREAS, the defendant has consented to the use of videoconferencing (or teleconferencing, if video is not reasonably available) for the Proceeding;

WHEREAS the ongoing COVID-19 pandemic necessitates that the proceeding take place remotely;

WHEREAS the Court understands that the Magistrate Judge on duty shall hear the defendant’s plea by telephone because video teleconference is not reasonably available;

THE COURT HEREBY FINDS that because the defendant has consented to proceeding remotely, and for the reasons set forth in the parties’ letter of September 2, 2021, the Proceeding cannot be further delayed without serious harm to the interests of justice.

Accordingly, IT IS HEREBY ORDERED that the Proceeding, to be scheduled for September 13, 2021, shall be conducted before the duty Magistrate Judge by teleconferencing.

SO ORDERED:

Dated: New York, New York
September 4, 2021

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style.

THE HONORABLE PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK